

SHOREVIEW PLANNING COMMISSION MEETING MINUTES

May 22, 2007

CALL TO ORDER

Chair Feldsien called the meeting of the May 22, 2007 Shoreview Planning Commission meeting to order at 7:00 p.m.

ROLL CALL

The following members were present: Chair Feldsien, Commissioners Ferrington, Mons, Schumer, Solomonson and Wenner.

Commissioner Proud was absent.

APPROVAL OF AGENDA

MOTION: by Commissioner by Schumer, seconded by Commissioner Mons to approve the agenda as submitted.

ROLL CALL: Ayes - 6 Nays - 0

APPROVAL OF MINUTES

Commissioner Schumer noted that on the first page of the minutes in the motion for approval of the minutes, the date should be March 27, 2007.

MOTION: by Commissioner Mons, seconded by Commissioner Wenner to accept the April 24, 2007 Planning Commission meeting minutes as amended.

ROLL CALL: Ayes - 5 Nays - 0

Chair Feldsien abstained, as he was not present at the April 24th meeting.

REPORT ON CITY COUNCIL ACTIONS

Presentation by City Planner Kathleen Nordine

The City Council acted on one item from the Planning Commission since the April meeting. At its May 7th meeting, the City Council approved the Site and Building Plan Review of Moser Homes at 1050 County Road E, as recommended by the Planning Commission.

OLD BUSINESS**PUBLIC HEARING - PRELIMINARY PLAT/PLANNED UNIT DEVELOPMENT -
DEVELOPMENT STAGE AND COMPREHENSIVE SIGN PLAN**

FILE NO.: 2268-07-09
APPLICANT: CASCADE PARTNERS, LP
LOCATION: 4684, 4696 AND 4710 HODGSON ROAD

Presentation by City Planner Kathleen Nordine

Applications for a mixed-use development project have been submitted by Developer Patrick Julik of Cascade Partners for the location at 4684/4696/4710 Hodgson Road. The project consists of an owner-occupied senior condominium building with 68 units and two office buildings of a residential scale. The applications being reviewed are:

1. Preliminary Plat to divide the property into three parcels;
2. Planned Unit Development (PUD)/Development Stage for the senior building and one office building; and
3. Comprehensive Sign Plan for the office and senior housing buildings.

Concept plans for this proposal were approved by the City Council in October, 2006, when a Comprehensive Plan amendment was also approved to change the land use designation from medium density residential to high density senior housing (HSR) and office (O). The property was also rezoned at that time from Urban Underdeveloped to PUD.

The site consists of 4.53 acres. Existing homes will be removed for this project. Existing driveways off Hodgson Road will be closed for a new access from a private driveway off the new segment of Cumberland Street. The current proposal is for a senior housing building and one office building. The second office building cannot be constructed until the resident at 4696 vacates the home on Lot 2. The developer's purchase agreement with the homeowner allows this resident to remain in her home for a maximum of five years.

Some changes have been made to the approved Concept Plan of the senior housing building in response to comments received during the concept review, which include:

1. Modified first floor elevation for a lower building height
2. Increase of structure setbacks from the north from 35 feet to 38 feet and from the east lot line from 48 feet to 58 feet at the north end and 49 feet at the south end, and reduction of the setback to Hodgson Road to the west from 85 feet to 72 feet;
3. Concept Stage approval of 61 units at 17.9 units per acre has been changed to a request for 68 units or 20.7 units per acre. Parking spaces have been increased to accommodate this change.
4. The office building concept stage approval was for 10,100 square feet; this

proposal shows 10,500 square feet.

Staff finds that the current proposal is consistent with Policy Development Area (PDA) #11 as defined in the Comprehensive Plan. The proposed uses will not significantly impact adjacent properties, if the concerns expressed by the Planning Commission, Council and neighbors are addressed.

Preliminary Plat

The Preliminary Plat would divide the property into three parcels with the two office buildings on Lots 1 and 2 and the senior residence on Lot 3. The size of each parcel exceeds minimum standards in the Development Code. Drainage and utility easements will be dedicated along property lines. The house on Lot 2 will be leased back to the current homeowner. The second office building is anticipated by 2012.

The developer has submitted a phasing plan showing the office building on Lot 1 to be built first, as there is a buyer for the building. Presales of the condominium units will begin immediately, but with the current housing market, it is anticipated that it could be 18 months before enough units are “presold” to finance the project. Improvements needed to build the first office building include the private access driveway, grading, storm water management infrastructure, parking areas and construction of the building. Staff is concerned that the senior housing building, which is the major part of this development, is not being built first.

Office Building, Lot 1

The access drive to the first office building has been shifted away from the Cumberland Street intersection to ease traffic egress/ingress. The proposed parking is sufficient. Deviations requested by the developer are: 1) reduce the required 50-foot building setback from Hodgson Road to 15 feet; 2) reduce the required 30-foot setback from Cumberland to 20 feet; and 3) reduce the required 20-foot setback of the parking area from Hodgson Road to 10 feet. Staff does not oppose these deviations. With the incorporation of the property at 4696, concerns are alleviated about any impact to this single-family dwelling.

Senior Residence

The senior building is similar to the concept plan although changed to an “L” shape rather than the previous “V” shape. The setback from the east lot line ranges from 49.4 feet at the southeast corner to 58 feet, which is in compliance with City regulations. The new configuration presents some concern in that the setback at the southeast corner has been reduced. The exterior building materials are fiberboard cement siding and shakes with brick veneer, concrete masonry and asphalt shingles. Staff is recommending that the appearance be enhanced with additional brick or stone.

In response to previously stated concerns, the developer’s landscaping includes a row of evergreens between the infiltration basin (east of the senior building) and the east property line.

Staff is concerned that the location of the infiltration basin minimizes the amount of landscaping possible to create a good buffer for residents to the east, especially in the area where there is a gap in vegetation on the east property line.

Density has increased from the previously approved 61 units to the proposed 68 units. This number of units is still at the low end of the density range of 20 to 45 units per acre in the HSR District. A traffic study that was conducted for the Concept Plan was based on 70 units, and there were no findings that a development of that size would create unacceptable levels of traffic for Hodgson Road or the Cumberland/Hodgson interchange. The increase in units is a result of the change in configuration of the building and an effort to provide more affordable units.

Notices were sent to property owners within 350 feet of the proposed development site, including property owners in North Oaks. A number of concerns have been expressed; including removal of trees, visual impact, and extension of the third floor exacerbates visual impact, reduction in screening from what was previously pledged.

The Lake Johanna Fire Department has identified standards that must be met. Ramsey County has stated no adverse impact to Hodgson Road with this project.

The proposal is consistent with Shoreview's land use policies and provides a desired land use transition from low density residential uses to the north and east to higher density commercial uses to the south and southeast. Staff is concerned, however, that the changes may not go far enough to address the concerns expressed by the Council. The reduction in height and shift away from the east property line does not do enough to address visual impact. The view of the building mass has increased from the east with the expansion of the third floor. It is staff's recommendation that the application be tabled to allow the developer time to further address these concerns.

Commission Discussion

Commissioner Solomonson stated that there are not many options for off-site parking and asked if there would be a parking agreement for shared parking between the senior housing and the office building. Ms. Nordine responded that typically senior housing projects require fewer number of parking stalls because of the size of households. The parking in this project is within the range of parking provided by other senior housing developments in the City.

Commissioner Solomonson asked if, in light of the phasing process, an alternative plan should be required in the event not enough condominiums are sold for the senior housing building to be developed. Ms. Nordine stated that if senior housing is not developed, the developer would have to apply through the PUD process to change the development to a different land use. If this is a concern of the Commission, a more detailed phasing plan can be required.

Commissioner Ferrington asked if a time limit can be placed on an alternative plan as to when it would kick in. Ms. Nordine stated that the City typically gives a time limit of one year for a plan to be commenced. She suggested detailing a time frame in the Development Agreement.

Commissioner Mons noted staff's concerns about infrastructure with the first office building possibly constraining development if senior housing is not successful. He asked whether the developer should not be allowed to defer the second phase but initiate it immediately. Ms. Nordine stated that there is a buyer for the office building. Her intent is for the Commission to be aware that once the office building is built, certain infrastructure will be in place. If the senior housing residence is not built, any other type of development will have to work around the infrastructure already in place.

Commissioner Mons suggested requiring the developer to submit an alternate concept plan, so that infrastructure concerns can be discussed. Ms. Nordine stated that an alternate concept plan would not be part of this approval.

Commissioner Mons noted that comments received from neighboring residents indicate that they believe the senior building will be two stories on the east side. The City Council minutes from October 2006 indicate that the motion for Concept Stage PUD approval was amended by Councilmember Huffman so that "...the building may be designed in a tiered style with two and three stories provided the unit mix and number of stories will be determined when the Development Stage PUD is approved." Ms. Nordine stated that the Council did express reservations about where the two and three stories would start and end. This is something to be specifically reviewed with the Development Stage review.

Commissioner Mons stated that the Planning Commission did not share the same reservations expressed by the Council because a different building plan was presented with three stories and one story. This makes it difficult to respond to the Council's concerns.

Commissioner Ferrington asked if the parking area for the office building is partially on Lot 2. Ms. Nordine showed the location of the office building parking area on a map which is partly on Lot 2, and the location of the house on Lot 2.

Commissioner Mons asked the setback of the parking lot to the house on Lot 2. Ms. Nordine answered, approximately 60 feet.

Chair Feldsien opened the public hearing.

Mr. Jim Meinen, 19 Scotch Pine Circle, North Oaks, stated that he is speaking on behalf of neighbors along the east property line of this project. He and his neighbors felt they were close to supporting the project last October, when the Concept Stage was approved. Now, however, they cannot support the project. He summarized the Council's concerns of height and screening that were expressed at the June 19, 2006 City Council meeting. At that meeting and at the October 2006 Council meeting, no elevations were presented. The plan now proposed has gone in the opposite direction from addressing the Council's concerns. The staff report states that "...this unit increase when combined with a larger third floor area is not consistent with the City Council's previous direction. ...the total length of the eastern side of the building has increased and the third story level has been extended. This change results in an increased building mass

when the structure is viewed from the east.” The third story has increased 95 feet from what was previously proposed. The total length has increased from 229 feet at the Concept Stage to 297 feet along the eastern property line.

Mr. Meinen noted that all existing screening is on private residential properties. Tree heights range from 18 to 22 feet. The tree heights at the southwest corner of neighboring residential property range from 27 to 32 feet. In comparing the existing heights of trees to the proposed height of the building, 20 feet of the building will be visible above the trees. The size and mass of this building is being underestimated. While neighbors support senior housing, they would like to see the height of the building reduced to two stories with a more aggressive plan for landscaped screening.

Mr. Pat Julik, Developer, stated that the market study in Shoreview clearly shows a market for senior housing. However, given the housing market, lenders are requiring 50% presales before a building of this magnitude is financed. Since the concept approval he had hoped to open a sales center. However, with the rezoning, he cannot open a sales center until further approvals are obtained.

Mr. Greg Stuhl stated that he has a business that he plans to move to Shoreview in the proposed office building on Lot 1. His business will move 27 people immediately. At this time he has not renegotiated his current lease in the hope of moving into the new building by November or December. Overflow parking from the senior residence can go into office parking spaces.

Mr. Julik stated that there is an alternative plan and showed the master plan that was approved for this area. It shows office use throughout the site. When Hodgson Road was improved, access became more constrained. When Whispering Pines was built, access to this site was constrained. A number of concerns that have been expressed have been addressed:

1. At the August 10, 2006 Planning Commission meeting, concerns were expressed about the berm, which was eventually eliminated.
2. There were concerns about the office layout, which has been modified.
3. The concern about pedestrian walkways led to providing two walkways to Hodgson Road. In an attempt to extend the sidewalk south past the fire station, he was told that is not within his purview.
4. There continues to be concern about the mixed configuration of two stories and three stories.
5. The question was raised whether the building was set at the lowest elevation possible. In these proposed plans the building has been lowered again.
6. Concerns stated by Councilmembers were about 1) the two-story/three-story split configuration for the senior building; 2) whether rain gardens would limit buffering; 3) and not imposing too many conditions until the Development Stage is reviewed.

The size of the rain garden has been expanded by over 3000 square feet. Its location has been reviewed by Ramsey County's Greg Thompson, Urban Conservation Specialist, who has indicated that the rain garden is in the correct location and will not impact septic systems or

wells on private property. The six soil borings taken indicate that there will only be water in the infiltration pond immediately following a rain. There are many species of trees that are water tolerant. Vertical screening is appropriate. What is proposed is a rain garden using native species with wild flowers and native plants, and he is willing to augment proposed tree planting. Tree replacements that will be required number 140 trees.

The new of the building takes advantage of existing tree screening at the southeast corner of the site. The height of the building has been reduced by over four feet. This was achieved with a 1.1 foot reduction for the garage floor and first floor elevations and by lowering the pitch of the roof. The overall footprint of the proposed building is 200 to 300 square feet less than the building shown previously. The City Council stated that the setback from the east lot line had to be a minimum of 48 feet. With this redesigned building, only the southeast corner of the building comes to a 33-foot setback. The remainder of the building ranges from 58 feet to 63.5 to 64.5 feet. With the full block of trees, that increased setback is tremendous. North Oaks residents stated they do not want to see the third floor windows and balconies. Based on the information provided by professional engineering surveys, very little of any balconies or windows will be seen from the east.

Maxfield Research, a pre-eminent researcher in this field, was used for the market study, which is required for financing the building. The unit size was reduced to 1326 square feet to address affordability while maintaining a high level of quality. Prices of units will be in the \$300,000 range. Reducing the unit size by approximately 10% resulted in an increase in the number of units by close to 10%. The third floor extends 19 feet beyond what was shown to the City Council in the concept proposal. He believes that the increased setbacks and lower building height mitigate this 19-foot extension. He showed a series of photos from a 3D modeling software package that illustrated the look of the building from all directions and noted that at the June 19, 2006 City Council meeting, Mayor Martin stated, "It is not the City's responsibility to protect total privacy in the back yards because most Shoreview residents do not have such privacy."

Commissioner Solomonson asked if the third floor would be necessary if only 61 units were built. **Mr. Julik** explained that the building is not sold on a per unit basis but on a square footage basis. The square footage of the building was not increased. The point at which the building changes from two stories to three stories is 19 feet closer to the north property line than what was shown in the concept review. Those 19 feet results in one additional unit.

Commissioner Mons asked the number of bedrooms in the units. **Mr. Julik** stated that the recommended mix of units stated by Maxfield Research is what is being used. Without looking at the report, he believes there are eight one-bedroom units with a den. The remainder of units are evenly split between two bedrooms and three bedrooms.

Commissioner Mons asked if the association would allow rentals or if the building would become rental if the units cannot be sold. **Mr. Julik** answered that the association would allow 20% rentals. However, if unit sales do not materialize, he plans to develop more office.

Commissioner Mons asked if a five-year warranty can be required for landscaped plantings. **Mr.**

Julik stated that a typical warranty on landscaping is one year. However, in Whispering Pines he agreed to two years. Also, with this development it would be his responsibility for two years after which the responsibility is on the association. He showed on a map the trees to be retained.

Commissioner Solomonson asked if there would be a parking issue with the number of employees in the office building. **Mr. Stuhl** stated that the plan was developed in accordance with the Code. People will be coming and going. The number of people accessing his business do not access it all at the same time.

Commissioner Ferrington raised the issue of the additional 19-foot extension to the third floor and how many units would need to be taken out to bring that third floor back to what was reviewed by the Council. **Mr. Julik** explained that the third floor is reduced significantly from what was previously presented to the Planning Commission. It extends 19 feet beyond what was presented to the City Council. To eliminate that 19-foot extension would mean taking out approximately one-half unit on each side. He would then probably make two larger units at those locations.

Ms. Nordine explained that staff differs with Mr. Julik on the added extension of the third floor. His calculation is 19 feet; staff calculates 27 feet. **Mr. Julik** explained that the discrepancy is because of the setback in an earlier plan. Ms. Nordine disagreed and stated that staff's calculation is based on measurements of the actual building wall in both plans. **Mr. Julik** stated that if the third floor must be reduced, the fair thing would be to set it as approved in the concept plan.

MOTION: by Commissioner Mons, seconded by Commissioner Solomonson to close the public hearing.

ROLL CALL: Ayes - 6 Nays - 0

Commissioner Mons suggested tabling the matter and revising the motion to be considered at the Planning Commission's June meeting. He would like additional assurance from staff that the location of the existing house and office and office parking lot will all work with illustrations of how it will look like for the five years that the home continues to exist. Then he would like to see illustrations of what it will look like when the house is taken out. He would like to know if the developer has a purchase agreement or if there has been a transfer of title of the residence on Lot 2. He would also like a provision that clearly states the association's obligations with regard to maintaining the landscaping. He asked staff to verify the length of the building and whether it is, in fact, longer or shorter. Having walked the property, he does not believe the three-story senior building approved a year ago will adversely impact the neighbors.

Chair Feldsien stated that he believes the building mass will have an impact.

Commissioner Wenner requested that staff and the developer come to an understanding of what exterior materials will be used for the senior building.

Commissioner Ferrington asked the developer to provide further clarification about phasing with a time frame. She would prefer the third floor be the size the City Council approved. A further reduction of units, especially on the east side, would make this project more tolerable.

Commissioner Solomonson stated that he, too, would like more a more descriptive phasing plan with an illustration of how development might occur if the condominium building does not occur. The second issue for him is the location where the building goes from two floors to three floors. His preference would be for the building to be two stories on the east side.

Commissioner Schumer asked if there is a way that the North Oaks residents can work with the developer and staff to have a survey done that brings to a conclusion what the building will look like with the existing screening trees from North Oaks properties. That agreement would alleviate many questions.

Ms. Nordine stated that if additional survey work is needed before the Planning Commission can make a decision that would be the responsibility of the developer.

City Attorney Filla stated that the major concerns of the Planning Commission seem to be building mass and how it appears from the east. The City cannot tell the developer to spend money on a neutral party. The developer needs to do what he can to address those concerns.

Commissioners stated individually their concerns relating to the appearance of the senior housing building from the east:

Commissioner Solomonson stated that he would like the third story to be at the point approved by the City Council, although he would prefer to see only two floors.

Commissioner Wenner stated that he has no reason to doubt the pictures the developer has presented. The issue seems to be two or three stories. He would favor two stories.

Commissioner Mons would favor three stories.

Chair Feldsien would favor two stories.

Commissioner Ferrington would favor two stories.

Commissioner Schumer stated he has no problem with what was presented and would favor three stories.

MOTION: by Commissioner Mons, seconded by Commissioner Wenner to table this matter with the request that staff add language to the motion that would extend the period of time the developer would be required to warrant the landscaping and clarify how the association would ultimately be responsible for maintaining the landscaping plan; further, he would like the motion to include language that the

existing trees on the north and east property lines not be affected by construction and if they are, would be replaced by trees of similar height and maturity; further that language specify material to be used for the building that was in the concept approval; and further that a phasing plan be clarified in the event the senior housing building is not built.

ROLL CALL: Ayes - 6 Nays - 0

NEW BUSINESS

City Attorney Filla stated that the required public hearing notices have been sent, and the public hearings at this meeting are in order.

NEW BUSINESS

PUBLIC HEARING - SITE AND BUILDING PLAN REVIEW & CONDITIONAL USE PERMIT AMENDMENT

FILE NO.: **2275-07-16**
APPLICANT: **YMCA**
LOCATION: **3760 NORTH LEXINGTON AVENUE**

Presentation by Senior Planner Rob Warwick

In 1969, the City approved a Conditional Use Permit (CUP) for the original building. Amendments for expansions were approved in 1980, 1983, 1994 and 1999. In 1994, approval was conditioned on landscaping along Lexington Avenue and installation of curb and gutter when the parking area is resurfaced. In 2005, an addition was approved but not built. The applicant is requesting an amendment to the CUP for a 5,255 square foot addition for a fitness center. Additional remodeling will also be done for locker rooms. A fire sprinkler system will be installed throughout the building. The parking area has been resigned with curb and gutter, and located to conform to City setback and design requirements. The building front setback must be at least 50 feet; setbacks from Grey Fox Road and the Target service road must be 30 feet, the rear setback 20 feet and 5 feet from all other lot lines. The parking area will be enlarged to the north and reconstructed with curb and gutter and storm water management infrastructure. The expanded parking will provide 215 stalls; 180 stalls are required. Increased area for landscape islands in the parking is recommended by staff. Two additional islands will be added. Also, additional landscaping will be put in the southeast corner of the parking lot to replace existing screening that will be lost with the parking lot expansion. No change to the hours of operation or number of employees is anticipated. The exterior materials will compliment the existing building.

The plans are consistent with the Comprehensive Plan and Development Code. Planned land uses are consistent with existing uses and do not conflict with adjacent land uses. The YMCA is an enhancement that serves community needs.

The applicant has received a permit from the Rice Creek Watershed District for storm water management. A new storm water pond and infiltration basin will be located in the southwest corner of the property to capture runoff from the building and parking lot. The grading will be generally lowered on the north and raised on the south to achieve proper storm water management.

Notices were sent to property owners within 350 feet of the site. Three comments were submitted in support of the proposal. One comment stated the need for a STOP sign at the driveway exit on Grey Fox Road.

Staff recommends the proposals be forwarded to the City Council for approval with the conditions listed in the staff report.

Commissioner Solomonson asked if there is a concern that no fence is proposed around the holding pond which is near the entrance where there will be children. Mr. Warwick explained that typically storm ponds are not fenced. A safety bench is installed as part of construction to address safety. The design is standard.

Commissioner Mons referred to the Planning Commission minutes in 2005, when an expansion was approved with the condition that "...curb and gutter and landscaping and other items identified by staff would be completed no later than December 31, 2006." He asked the reason this work was not completed by the end of 2006. Mr. Warwick stated that the 2005 plans had to be changed to comply with requirements from the Rice Creek Watershed District and the changes were not within budget. So no construction has occurred. Commissioner Mons stated that the addition of curb and gutter were not dependent on another expansion. Mr. Warwick stated that it was his understanding that when the plan was complete, the required work would be included and completed.

Chair Feldsien asked if the landscape islands in the parking lot would be irrigated. The project architect stated that they will be irrigated.

Chair Feldsien opened the public hearing.

Mr. Dan Klecker, Pope Associates, Inc., Project Architect, offered to answer any questions. A sprinkling system will be installed. In response to Commissioner Mons' question, he stated that the project was delayed a year due to budget constraints. The curb and gutter will be put in when the project goes forward.

Ms. Pat Rierersma from the YMCA stated that in addition to the budget restraints which delayed the project, the parking lot was redesigned to allow construction of a holding pond.

Commissioner Mons asked if the applicant would agree to the approval of two projects: 1) installation of curb and gutter, and 2) the building expansion and CUP. The YMCA representative stated they would have to consider that. The reconfiguration of the parking lot is a big part of the project. If only curb and gutter were installed, it would have to be torn out to put

the pond in.

Commissioner Solomonson asked the type of transition from Grey Fox Road to the raised grade of the south portion of the site. **Mr. Klecker** responded that there will be a gradual rise between the two levels.

MOTION: by Commissioner Wenner, seconded by Commissioner Ferrington to close the public hearing.

ROLL CALL: Ayes - 6 Nays - 0

MOTION: by Commissioner Wenner, seconded by Commissioner Ferrington to recommend that the City Council approve and amendment to the Conditional Use Permit and the Site and Building Plan application for an addition and site improvements at 3760 Lexington Avenue, subject to the following:

Conditional Use Permit:

1. The amendment to the permit allows the construction of a 5,255 square foot addition, parking and storm water management infrastructure in accordance with the attached plans, dated April 23, 2007.

Site and Building Plan Review:

1. Approval of the site and building plans is subject to City Council approval of the conditional use permit amendment allowing the expansion of the commercial recreation use.
2. The project must be completed in accordance with the submitted site and building plans. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission and the City Council.
3. The landscape plan for the site shall be revised prior to review by the City Council to include a minimum of two additional landscape islands, and retain the existing screening in the southeast corner of the expanded parking area. All landscape islands shall have a minimum area of 324 square feet. All landscaping materials shall comply with the minimum size requirements outlined in Section 206.050 of the Development Ordinance.
4. The applicant shall provide a landscape surety in the amount of 125% of the cost of all landscape improvements. Said surety shall be provided prior to the issuance of a building permit. All landscaping on the site shall be maintained. Plant materials shall be replaced if they die or become diseased.
5. Lighting shall comply with Section 206.030, Lighting Standards.
6. The applicant shall enter into site development and erosion agreements with the City before a permit will be issued. The Development Agreement will address construction management.
7. Final utility plans are subject to the approval of the Public Works Director.
8. A stop sign shall be installed at the exit drive.
9. Storm water management infrastructure on the site is private. Regular and special

maintenance of the private infrastructure will be addressed in the Development Agreement.

10. The project is subject to the permitting requirements of the Rice Creek Watershed District (RCWD).
11. Work within the Lexington Avenue right-of-way is subject to the permitting requirements of Ramsey County.
12. An NPDES permit shall be secured prior to commencement of any site disturbance.
13. The approval will expire after one year if a building permit has not been issued and work has not begun on the project.

Discussion:

Commissioner Mons asked what would happen if the curb and gutter is not installed with this application. Mr. Warwick stated that he has every confidence the plan will go forward. Subsequent to the approvals in 1994, and that condition imposed, a portion was resurfaced but not the entire lot. Staff at that time did not require fulfillment of the condition of installing curb and gutter.

Commissioner Mons insisted that a condition was imposed and that the YMCA has not complied with that condition since 1994. He does not have faith that the work will be done with this approval and will vote against the motion.

ROLL CALL: Ayes - 5 Nays - 1 (Mons)

PUBLIC HEARING - MAJOR SUBDIVISION - PRELIMINARY PLAT

FILE NO.: 2274-07-15
APPLICANT: HERITAGE DEVELOPMENT/ASSURED FINANCIAL
LOCATION: 4521 & 4525 RICE STREET

Presentation by Senior Planner Rob Warwick

A preliminary plat has been submitted to subdivide the 2.5 acre site into six lots for detached single family homes. Several proposals were reviewed by the Planning Commission in 2003 to allow townhouse development on this property, however the applications were withdrawn and no approvals were granted by the City. In 2005, the planned land use for this area was amended in the Comprehensive Plan to low density residential, 0 to 4 units per acre. In 2006, several applications were considered for single family development. In August, a preliminary plat was approved for four lots. Subsequently, the applicants purchased the property at 4521 and have now integrated it into a revised proposal.

The wetland on the south portion is not impacted by the proposed plan. The grade of the western portion of the property is 12 to 15 feet lower than adjacent properties to the north and west. There are a several public easements on the property: 1) a 10-foot easement from Tudor Oaks extending south; 2) a 56.5-foot easement for utilities and road extending west from Rice Street

for 270 feet and terminating at the 10-foot utility north/south easement. Both easements will need to be vacated for the proposed development.

Surrounding land uses are R3, Tudor Oaks condos; Paulson's Addition of six duplexes, R2; and immediately south is a single family home in the R1 District. Across Rice Street is Sucker Park in the city of Vadnais Heights. The proposed density is 2.4 units per acre. All existing improvements would be removed. A public street would be constructed for access--a cul-de-sac of 350 feet in length. The improved street width will be 28 feet within a 50 feet of right-of-way. At the end of the cul-de-sac, there will be a 40-foot improved radius. The design is similar to those in other recently approved developments and conforms to City standards.

The storm water pond in the rear yards of Lots 1, 2, and 3 is a treatment pond that controls the discharge rate. Runoff will flow to the existing pond. The lots conform to the dimensional requirements for the R1 District with the minimum 75-foot width, 125-foot depth and 10,000 square feet of area. There is sufficient buildable area for houses with 3-car garages. Yard space is constrained because of the location of infrastructure, which will limit decks, fences, gazebos and pools in the yards.

The wetland delineation submitted last year was accepted by the City and is still effective. The 16.5-foot buffer upland of the wetland is encumbered with a drainage easement. The buffer is located on Lots 3, 4 and 5. Staff recommends private covenants for those properties to reinforce that buffer.

Soil conditions are suitable for the street construction. Unsuitable soil to a depth of 20 feet are present on Lot 5, and so soil corrections will be done or pilings will be used to support a house. Existing sanitary sewer and water will be rerouted with new pipes to reconnect with existing lines in the Rice Street right-of-way.

The property is located in the Vadnais Lake Area Water Management Organization. Storm water will drain into the proposed pond on Lots 1, 2, and 3 and will discharge into the existing pond through a pipe. The existing storm sewer on the north will be extended along the site boundary, eliminating overland flow. Grading will address water flowing downhill from the condos to the north so that it is routed around the property instead of flowing across it.

The grading plan shows the street lower than existing grades on the east and higher than the existing grade at the cul-de-sac. House pads will be higher than the street elevation. Grading will result in surplus fill that will be removed from the site. The final grading plan is subject to the approval of the Public Works Director.

The site is wooded. Approximately 90 trees will be removed, including 25 landmark trees. 150 replacement trees are required for removal of the landmark trees. If the site cannot accommodate that number of replacement trees, credit will be given for trees planted on other sites or a contribution made to the City for forestry purposes.

The property at 4505 Rice Street is not included in the proposal. Currently, it is a corner lot and the house is a non-conforming structure due to the road easement. With the vacation of the road

easement, the property will not be a corner lot and the house will conform to the required 10-foot setback from the north side lot line.

Notices were sent to property owners within 350 feet of the development site. A number of written comments have been received expressing concerns about the number of lots, soil conditions, location of the street relative to the park entrance and the loss of trees. The Fire Department requires an added fire hydrant and that parking can be permitted on only one side of the street.

Ramsey County expressed no traffic safety concerns. The work within the Rice Street right-of-way will require county permits.

Staff finds the proposal to be in compliance with City standards and recommends the Planning Commission forward the proposal to the City Council for approval with the conditions listed in the staff report.

Chair Feldsien asked if the storm pond could be moved further west. Mr. Warwick stated that moving the pond would interfere with the wetland. If moved east, the sewer pipes will affect the yard area on Lot 1. At its proposed location, the City has access for maintenance.

Commissioner Mons raised the issue that the lots are constrained with regard to the addition of decks, patios, etc. Mr. Warwick responded that the lots meet size requirements, and the developer can design and build houses that would allow desired amenities. Covenants will address these constraints. Commissioner Mons suggested that approval require buyers to sign a document acknowledging constraints due to easements.

Chair Feldsien opened the public hearing.

Mr. John Cirny, Architect, stated he is representing the owners at 4505 Rice Street who were unable to attend the meeting. There are a number of concerns. Overall, the development is disappointing in its density because they have enjoyed 50,000 square feet of wooded area. Now there will be six homes, which will be a significant change. The owners have offered to sell their property to the developer, but that idea has not gone anywhere. The removal of trees is a big concern. There has been preliminary discussion about replacement trees, but nothing definitive has been proposed. The location of the pond is an issue because of the proximity to one of the doors in their house. They would prefer it be shifted to the west, although he understands there are piping issues with that change. Prior to 1980, the property was conforming until the City put in a utility easement. The owners have also enjoyed a gravel driveway. In consulting with a real estate attorney, Mr. Jerry Steiner, suggested that it is possible there are pre-existing adverse possession rights because of the gravel road. Now the road is a right-of-way easement, but prior to 1980, there may have been pre-existing adverse possession rights. That is a legal question that Mr. Steiner would like more time to review before making a recommendation to the property owners. If they were to consider subdivision in the future, does the road easement vacation take away their development rights. **Mr. Cirny** also referred to the minimum standard in the City's ordinance for a proposed cul-de-sac is a 60-foot right-of-way and 45-foot improved radius. The proposed is a 40-foot radius. The ordinance allows the City to change the width of a public

street if it is deemed desirable. However, there is no reference to allowing the change of the width of a cul-de-sac. He would encourage that this project be tabled for further review.

Commissioner Mons noted that this proposal addresses many of the concerns that these property owners have raised in the past, when they have objected to a proposed street along their north lot line. The issue of adverse possession is not an issue for the Planning Commission. The Planning Commission will consider land use issues. **Mr. Cirny** stated that the owners are not opposed to development. The big issue is the density. If the right-of-way conformed to the City's ordinance, the development would have to be reconfigured.

Mr. Clark Wickland, Civil Engineer, Alliant Engineering, Inc., stated that the developer agrees with the findings of the staff report. He believes that if there is an issue of adverse possession, it can be addressed with the vacation of the easement which is a secondary process to this application. As to the width of the cul-de-sac, nothing is being requested that has not been previously been approved by the City. Adding size to the cul-de-sac would add impervious surface. The developer is not negotiating for anything more than is normally permitted by the City's ordinances.

Mr. Steve Bona, Heritage Development, stated that he believes the wet pond in the back yards will be desirable. If a condition is added to require buyers to sign a document acknowledging constraints for any additions, that would be acceptable.

Commissioner Mons asked about the design of the homes and price points. **Mr. Bona** stated that the houses will likely be two stories. He does not have price points at this time. **Mr. Wickland** added that there is approximately 3,000 square feet of buildable space and he would expect that a builder would not use all of that but would allow for the building of a deck. **Mr. Bona** stated that he would estimate approximately 2500 square feet not including the basement. Commissioner Mons noted that at the rate of building per square foot, the price point would be a minimum of \$400,000. **Mr. Bona** stated that he would like to keep the price at \$400,000, but he anticipates that it will be higher.

Commissioner Ferrington asked how the unsuitable soil on Lot 5 will be addressed and if the cost of correction will be added to the price of that home. **Mr. Wickland** responded that the intent is to use the native sand on-site which works well for a building site. They will find good material on site for building and put the undesirable material under the pond. The soil corrections are the responsibility of the developer, not the builder or future homeowner.

Commissioner Schumer asked if there has been contact with neighboring residents. **Mr. Bona** stated that he met with residents from Tudor Oaks and is willing to incorporate their suggestions. Since so many trees have to be planted, he is willing to plant them to add screening for those residents. He also met with the Pates and walked their property line. Again, he is willing to add landscaping to their property for screening. He was surprised to receive their most recent comment. When the landscaping plan is completed, he will present it to Tudor Oaks for approval.

Ms. Lucy Meyer, 185 Bridge Street, stated that she agrees with the Pates. She asked the

following: 1) depth of the proposed pond; 2) size of trees to be planted; 3) height of new homes in comparison to the Pate home and a buffer to protect them. For the price of home, they will be packed in.

Ms. Kelly Cerny, 141 Bridge Street, expressed her concern about the size of the yards. Where will children play? And the homes are on Rice Street. She would suggest smaller homes with more yard space. That is what people buy in Shoreview.

In response to Ms. Meyer's questions, **Mr. Wickland** stated that the pond depth would be four feet. **Mr. Bona** stated that the trees would be 2.5 caliper inches in diameter for deciduous species and 6 feet in height for conifers at the minimum. There will be discussions about increasing the size of trees. The houses will be two stories with heights that meet City code.

Mr. Bob Gobel, 164 Bridge Street, stated that he likes the idea of negotiating larger tree sizes.

MOTION: by Commissioner Mons, seconded by Commissioner Schumer to close the public hearing.

ROLL CALL: Ayes - 6 Nays - 0

Commissioner Mons stated that the application is fully consistent with the City's Code and practices. There are no variances and no PUD. The Planning Commission cannot deny it without risking a lawsuit. He would recommend that the developer/builder be required to fully disclose to buyers the constraints of any building addition, decks, porches, etc.

MOTION: by Commissioner Mons, seconded by Commissioner Solomonson to forward the application for the preliminary plat of Windemere, located at 4521 and 4525 Rice Street, to the City Council with a recommendation for approval, subject to the following 17 conditions with an 18th condition that the developer shall review with City staff communications to be given to prospective buyers regarding limitations that may affect them as to placement of decks, porches, etc.:

1. This approval shall be subject to approval of the final plat by the City Council.
2. This approval permits the development of a detached residential subdivision providing 6 parcels for new construction.
3. Final grading, drainage and erosion control plans are subject to the review and approval by the Public Works Director prior to application for final plat.
4. Final utility plans are subject to review and approval by the Public Works Director prior to application for final plat.
5. The final street design is subject to review and approval by the Public Works Director prior to application for final plat.
6. A development agreement, erosion control agreement and Grading Permit shall be executed and related securities submitted prior to any work commencing on the site. The Development Agreement shall address construction management and nuisances that may occur during the construction process. The Development Agreement may allow phasing of the construction of potentially public infrastructure and submittal of related sureties.

7. A public recreation use dedication fee shall be submitted as required by ordinance prior to recording of the final plat.
8. A landscape plan shall be submitted and approved by the City Planner prior to application for final plat. If the required replacements cannot be accommodated on site, other locations will be identified by the City or a cash contribution to the City for forestry purposes will be necessary. Credit will be given for trees planted on adjacent properties, with the consent of the property owner.
9. The landscape/tree-replanting plan shall be provided in accordance with the City's Tree Protection Ordinance. Trees on the property which are to remain, shall be protected with construction fencing placed at the critical root zone or tree drip lines prior to grading and excavating. A wood chip berm, with a minimum depth of 18 inches and minimum width of two feet, shall be installed on the protected side of the tree protection fence.
10. The storm water pond and wetland buffer shall be seeded and maintained with native grasses.
11. The developer shall prepare restrictive covenants that include dedication of a conservation easement over the wetlands and wetland buffer. Natural vegetation shall be retained and no structures are permitted in these areas.
12. Tow Vernon-style streetlights shall be required for this street.
13. A request to vacate the existing Utility and Roadway easements shall be submitted for approval by the City.
14. The final plat shall include drainage and utility easements along all property lines. Drainage and utility easements along the roadways shall be 10 feet wide and 5 feet wide along the side and rear lot lines. Other drainage and utility easements shall be provided over the wetland, including a 16.5 foot wetland buffer, and over the proposed ponding area, and as required by the Public Works Director.
15. For work in the Rice Street right-of-way, required approvals and permits must be received from Ramsey County Department of Public Works prior to the issuance of any development permits for this subdivision.
16. The existing houses at 4521 and 4525 Rice Street and all detached accessory structures shall be removed, and the existing sanitary sewer and water services shall be abandoned, subject to the permitting and inspection requirements of the City.
17. The existing wells shall be capped in accordance with regulations and subject to the permitting requirements of the State Department of Health.
18. The developer shall review with City staff communications to be given to prospective buyers regarding limitations that may affect them as to placement of decks, porches, etc.

ROLL CALL: Ayes – 6 Nays – 0

SITE AND BUILDING PLAN REVIEW

FILE NO.: **2276-07-17**
APPLICANT: **CARDIGAN INVESTMENTS, LLC/EMPI**
LOCATION: **599 CARDIGAN ROAD**

Presentation by City Planner Kathleen Nordine

The applicant is seeking to expand off-street parking. The proposed parking area would be located on approximately .5 acre of Soo Line Railroad Company property. The railroad has agreed to lease the property to Cardigan Investments, owner of 599 Cardigan Road, which leases the property to EMPI. An additional 72 parking spaces will be constructed. Landscaping removed would be replaced.

The property is zoned industrial with industrial properties to the north and east. To the west is multi-family residential. Parking areas must have a setback a minimum of 20 feet from a right-of-way and property planned for residential use. A storm water detention basin will also be put in the northeast corner of the property that will be piped to the City's storm water infrastructure. The impervious surface coverage exceeds the 80% maximum allowed at 82.7%. However, 84% is allowed for the site plus the leased area, which is in compliance. Staff believes storm water management would be improved with this proposal.

Property owners within 500 feet of the project site were notified of the proposal. No comments were received. Staff is recommending approval with the conditions listed in the staff report.

MOTION: by Commissioner Schumer, seconded by Commissioner Mons to recommend the City Council approve the Site and Building Plan request submitted for Cardigan Investments (EMPI) 599 Cardigan Road for the expansion of their parking lot on adjoining land leased from the railroad. Said approval is subject to the following:

1. The use of the parking area is limited to the property owner/tenant of 599 Cardigan Road. Said parking area shall not be used or shared with any other users, including the railroad without City Council approval.
2. The site shall be developed in accordance with the plans submitted. Minor modifications may be made to the plans, subject to approval by the City Planner. Significant changes to the plans require review and approval through the Site and Building Plan review process.
3. Approval of the final grading, drainage, utility, and erosion control plans by the Public Works Director.
4. Landscaping shall be installed as indicated on the submitted plan. Minor modifications may be made to the plan, subject to the approval of the City Planner.
5. The applicant shall notify the City if and when the lease is terminated or if the lessee or lessor changes. Upon the termination of said lease and use of parking area, the applicant shall submit a restoration plan to the City that identifies the removal of the improvements and restoration of the property.
6. The applicant shall enter into a Site Development Agreement prior to the issuance of any building permits for this project.
7. The Building Official is authorized to issue a building permit for the project.

ROLL CALL: Ayes - 6 Nays - 0

RESIDENTIAL DESIGN REVIEW & VARIANCE

FILE NO.: 2272-07-13
APPLICANT: DAVID JOHANNSON
LOCATION: 430 HORSESHOE DRIVE WEST

Presentation by City Planner Kathleen Nordine

The application is to remove the existing home and garage and construct a new two-story home and detached garage. The property is a substandard riparian lot with a lot width of approximately 40 feet. It is zoned R1 and located in the Shoreland District of Lake Owasso. The design requires four variances: 1) reduce the side setback for the house from 10 feet to 6.31 feet; 2) exceed the maximum 1600 square foot foundation area to allow 1654 square feet; 3) reduce the minimum 5-foot side setback for the garage to 4.87 feet; and reduce the minimum 20-foot front setback for the detached garage to 15 feet. The proposal complies with development standards relating to lot coverage, building height, building setbacks from the Ordinary High Water line, front property line and architectural mass.

The applicant states that hardship exists due to the characteristics of the property with its narrow width and small lot area of 8,580 square feet. The proposed new home is only two feet wider than the existing home and sits in the middle of the lot with side setbacks of 6.92 feet and 7.43 feet. The garage is also centered and set back 15 feet from the front property line. Requiring the 20-foot setback would mean a driveway of 20 feet, which would exceed the minimum lot coverage. If the City setback standards were applied, the buildable width ranges for the house vary 18 to 25 feet, too small to accommodate construction of a home. While the foundation area is slightly larger than permitted, the home is modest in size in comparison with other homes in the neighborhood.

The applicant has chosen architectural mass and vegetative protection as the required shoreland mitigation.

Property owners within 150 feet were notified of the application. No written comments were received.

Staff believes the proposal is not unreasonable or too large for the property and fits this parcel. Hardship is present due to the small lot area and would recommend approval of the variances.

Commissioner Mons stated that given the lot size he would concur with staff. The 1654 square feet foundation area is house and garage. The house is actually 1170 square feet, which is not large for a two-story home, and 484 square feet for a garage is not large.

Chair Feldsien noted that the proposed new homes also aligns nicely with adjacent properties.

Chair Feldsien opened the discussion to public comment. There were no comments.

MOTION: by Commissioner Mons, seconded by Commissioner Schumer to approve the residential design review and variance requests submitted by David Johannson, 430 West Horseshoed Drive, to construct a new home and garage on the property, subject to the following conditions and adoption of Resolution No. 0730:

1. The project must be completed in accordance with the plans submitted as part of the Residential Design Review/Variance applications. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
3. This approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity begins.
4. Impervious surface coverage shall not exceed 30% of the lot area as a result of this project.
5. Landmark trees removed for this project must be replaced in accordance with the City's vegetation and woodlands ordinance. Three replacement trees are required. A cash surety to guarantee these replacement trees shall be submitted prior to issuance of a building permit.
6. A tree protection plan shall be submitted prior to issuance of a demolition permit. The approved plan shall be implemented prior to the commencement of work on the property and maintained during the period of construction. The protection plan shall include wood chips and protective fencing at the drip line of the retained trees.
7. An erosion control plan shall be submitted with the demolition permit application and implemented during demolition and construction of the new residence.
8. A Mitigation Affidavit shall be executed prior to the issuance of a building permit for the new residence.
9. A final site-grading plan shall be submitted and approved prior to issuance of a building permit. Grading work shall be limited to the applicant's property only. A building permit must be obtained before any construction activity begins.
10. The applicant must obtain a Detached Accessory Structure Permit for the garage.

ROLL CALL: Ayes – 6 Nays – 0

RESIDENTIAL DESIGN REVIEW - SUBSTANDARD RIPARIAN LOT & VARIANCE

FILE NO.: 2273-07-14

APPLICANT: IMPERIAL HOMES, INC.

ON BEHALF OF WARREN SCHUBERT AND NAOMI QUILLOPA

LOCATION: 409 NORTH OWASSO BOULEVARD

Presentation by Senior Planner Rob Warwick

The application is for an 800 square foot addition to the garage. Most of the existing garage will

be converted to living area. A variance is required because of the reduced setback from the OHW of Lake Wabasso. The property is a substandard riparian lot, a peninsula extending into Lake Wabasso. The lot area is 76,493 square feet, but buildable area is constrained with the lot configuration relative to the OHW. The proposed garage is oriented parallel to the OHW to minimize encroachment into the OHW setback. It also avoids mature trees and no trees will be removed. The proposed garage complies with all development standard requirements except the 50-foot setback from the OHW. The setback would be 35.37 feet.

The applicant has chosen Architectural Mass and Vegetation Restoration practices to comply with the City's Mitigation regulations. The property owners plan to remove buckthorn along the south shore of Lake Wabasso and will work with the City and Conservation District to develop a restoration plan.

The applicant states that hardship is due to the location of the existing house on the peninsula, which is surrounded by the lake and subject to OHW setbacks on all sides. The area of the proposed garage is 930 square feet, less than the maximum allowed of 1,000 square feet. The house is designed in accordance with residential design review standards. Hardship exists due to the unique configuration of the lot and house location. Buildable area on the peninsula is limited by the OHW setback. Staff agrees that the proposed location for the new garage will have the least impact on the site and lake. It will not alter the character of the neighborhood.

Chair Feldsien opened the discussion to public comment.

MOTION: by Commissioner Solomonson, seconded by Commissioner Mons to adopt Resolution No. 0732 and approve the residential design review and variance requests submitted by Imperial Homes, on behalf of Warren Schubert, for the property at 409 Owasso Boulevard North, to construct an 800 square foot addition to the existing house, subject to the following seven enumerated conditions:

1. The project must be completed in accordance with the plans submitted as part of the Residential Design Review/Variance applications. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
3. Impervious surface coverage shall not exceed 30% of the total lot area as a result of this project. Foundation area shall not exceed 18%.
4. An erosion control plan shall be submitted with the building permit application and implemented during construction.
5. A tree protection plan shall be submitted prior to issuance of a demolition permit. The approved plan shall be implemented prior to the commencement of work on the property and maintained during the period of construction. The protection plan shall include wood chips and protective fencing at the drip line of the retained trees.
6. The mitigation plan shall be completed within one year of this approval date. A Mitigation Affidavit shall be executed prior to the issuance of a building permit for the new home.

7. The approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity begins.

ROLL CALL: Ayes – 6 Nays – 0

MISCELLANEOUS

City Council Assignments

Commissioners Solomonson and Mons are respectively scheduled to attend the June 4th and June 18th City Council meetings.

Commissioner Mons requested consideration to have two meetings in a month rather than one long meeting, as this one.

Planning Commission Workshop - June 12, 2007, 7:00 a.m.:

Comprehensive Plan Land Uses
Transportation

Joint Meeting with Environmental Quality Committee - July 10, 2007

LEED Program

ADJOURNMENT

MOTION: by Commissioner Schumer, seconded by Commissioner Ferrington to adjourn the May 22, 2007 Planning Commission meeting at 11:38 p.m.

ROLL CALL: Ayes - 6 Nays - 0

ATTEST:

Kathleen Nordine
City Planner